

Board of Selectmen's Meeting Minutes
December 16, 2010
Harpswell Town Office
Approved on December 30, 2010

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At 5:00 p.m. the Board of Selectmen met with the Curtis Memorial Library Director, Liz Doucette, to review the Agreement between the Town and the Library; the Board agreed to place the item on the next agenda for further discussion.

At 5:45 p.m. the Board met to handle administrative matters: Fred Cantu, Recycling Center/Transfer Station manager reviewed the proposed amendments to the Solid Waste Ordinance; William Wells, Code Enforcement Officer reviewed an application proposing to install a long series of floats from the Bethel Point Landing (Town property) in order to allow Dennis Toby access to his skiff for use to Yarmouth Island. Mr. Wells stated the proposal is a result of Mr. Toby's medical issues and would be a temporary arrangement. Since Mr. Toby doesn't have standing as owner, Mr. Wells asked the Board (Town) to consider being the applicant. Staff brought certain issues to the Board's attention such as the Shoreland Zoning Ordinance's (SZO) required property line setback (Bethel Point is 33-feet wide); authority of the Board to approve private use of Town property versus Town Meeting; the Wharves & Weirs requirement for a hearing; and liability. Mr. Wells will bring the proposal before the Board at a future regular meeting after following the normal wharf procedure, obtaining medical proof to Mr. Toby's condition and a sign off from an abutter allowing the reduction in the 25-foot setback. Selectman Multer agreed to be the liaison for the Fire & Rescue Committee when it is addressing strategic planning; the Board reviewed the list of ordinance amendments for the January 11 public hearing; Chairman Henderson questioned whether the table of contents needs to be part of the ordinances or could be treated as an attachment to the ordinances; the Board schedule was discussed and a meeting with the Budget Advisory Committee was scheduled for January 13 at 3:30 p.m. and the Board agreed to meet January 6, 13 and 27; a purchase order exceeding \$1,000 in value was reviewed and signed.

Selectmen Present: James S. Henderson, Mark E. Wallace and Elinor Multer

Staff Present: Kristi Eiane, Town Administrator; Terri Sawyer, Deputy Town Administrator; William Wells, Code Enforcement Officer; Marguerite Kelly, Treasurer; and Carol Tukey, Planner

Call to Order and Pledge of Allegiance: The meeting was called to order at 6:30 p.m.

The meeting was videotaped and broadcast live on Harpswell Community Television.

1. Adoption of the Agenda: Chairman Henderson moved, seconded by Selectman Multer to adopt the agenda as printed; motion passed 3-0.

2. Public Comment: Robert McIntyre stated that MSAD 75 is planning to run an expensive campaign, through advertisement and a mailing, with public funds to promote the closing of West Harpswell School. Mr. McIntyre believes this is wrong and asked the Board to consider contacting MSAD 75. If MSAD 75 insists on continuing, Mr. McIntyre asked the Board to have both sides of the issue made available. Selectman Multer questioned if the MSAD 75 School Board has acted; Mr. McIntyre responded the Comprehensive Strategic Planning Committee voted for this action.

3. Town Administrator's Report: Administrator Eiane complimented the Budget Advisory Committee for completing its review of the 2011 budget and thanked Marguerite Kelly for her participation as a special advisor to the Committee. Administrator Eiane announced the Town Office will be closed on Friday December 24 and December 31 in observance of Christmas Eve and New Year's Eve. Administrator Eiane stated that no automatic foreclosures took place yesterday and thanked Ms. Kelly for her follow up with each property owner. Selectman Wallace stated he spoke with a person who was in jeopardy of foreclosure and the person spoke with Ms. Kelly and had high praise for Ms. Kelly. Selectman Wallace thanked Ms. Kelly for her work.

4. Selectmen's Announcements: Selectman Multer announced the Board met with the Curtis Memorial Director at 5:00 p.m. to review the agreement between the Town and the Library. Selectman Multer suggested some possible amendments and the Board will further discuss the issue at the December 30 meeting. The public is encouraged to view the current Agreement (available on-line and at the Town Office) and provide input to the Board at the December 30 meeting. Chairman Henderson announced the Welcome to Harpswell Sign Design Review Committee reviewed several design submissions and has narrowed the selection to 3 designs. The Committee will continue to work on a final selection of two designs for presentation at the March 2011 Town Meeting.

5. Consent Agenda: 1) Approval of the Minutes; 2) Countersign MSAD 75 Warrant and Notice of Election Re: WHS Closure; 3) Set Annual Town Meeting Date for March 12, 2011: Chairman Henderson moved, seconded by Selectman Multer to approve the consent agenda; motion passed 3-0.

6. Treasurer's Report: Marguerite Kelly thanked Selectman Wallace for his kind words and stated she is always grateful when the foreclosure date passes and the Town doesn't own anyone's property. Ms. Kelly reviewed her monthly report for November (attached as further reference). Ms. Kelly updated the Board on the status of the Town's heating assistance program. The program was created in 2008 to assist those in need who do not qualify for general assistance. \$26,000 has been raised and appropriated and \$12,000 received in donations from individuals, businesses and churches. As of today, \$22,000 has been spent, equating to 2/3 from taxes and 1/3 from donors, leaving a balance of \$16,000. The funds can only be spent for heating assistance purpose and Selectman Wallace noted for all sources such as oil, wood and coal. Administrator Eiane noted the Program was expanded by Town Meeting to include an energy efficiency purpose as well.

9. Public Hearing Regarding Proposed Property Tax Assistance Ordinance: The hearing was opened at 7:02 p.m. Chairman Henderson noted the proposal is to provide assistance for property taxes to eligible residents (who have resided in Harpswell for at least 2 years) and have been awarded a refund from the State's Program. The hearing was closed at 7:04 p.m.

7. Wharf Applications

- **Long Point Properties, 11 Harrington Point, Map 17, Lot 115:** Bill Wells explained the application proposal and stated in his opinion it meets the standards, including the Wharves & Weirs Act. Selectman Multer stated in general, there seems to be some confusion on who the applicant and agent is and that it needs to be more consistent on future applications. The hearing was opened and closed at 7:09 p.m. Chairman Henderson moved, seconded by Selectman Wallace to approve the application as it does not cause a hazard to navigation or create an injury to the rights of others; motion passed 3-0.
- **Philip Davidson & Elizabeth Evans, 82 Tide Mill Cove Road, Map 17, Lots 81, 82:** Bill Wells explained the proposal is to rebuild a platform and stairs and add a ramp and float to the stairs and in his opinion it meets the standards, including the Wharves & Weirs Act. The hearing was opened and closed at 7:12 p.m. Chairman Henderson moved, seconded by Selectman Wallace to approve the application as it does not cause a hazard to navigation or create an injury to the rights of others; motion passed 3-0.

8. Request for Form a Group to Explore Senior Housing: Judith Redwine stated that several years ago the Housing Committee did a survey of the housing needs in Harpswell. Ms. Redwine stated she wished the Town could start considering senior housing, which will provide safe housing for seniors and bring jobs. Ms. Redwine has heard from seniors who need to move out of Town since housing is not available in Harpswell. Selectman Multer questioned if Ms. Redwine's main concern for housing is the cost view or the services view; Ms. Redwine responded both. The Board discussed whether a new committee would be needed to pursue this concept or if it could be part of the Affordable Housing mission. Selectman Multer stated due to the amount of research and breadth of this goal, it may warrant a separate group. Chairman Henderson stated he would like to

Speak with the Affordable Housing Committee regarding this topic. The Board agreed interest could be solicited from the public on the web, lobby and an article in the Anchor.

10. Comprehensive Plan Implementation Committee Presentation of Proposed Ordinance Amendments for Village Growth and Rural Districts: Louise Huntington, Chair of the Comprehensive Plan Implementation Committee (CPIC), stated the Committee has worked with Carol Tukey, Planner, Beth Della Valle and Judy Colby George, consultants, for the last couple of years. Ms. Huntington thanked the committee members: Burr Taylor, John Desjardins, Chris Hall, David Chipman and past members, John Papacosma, Elsa Martz and Robin Brooks. The Committee has worked hard to try and suggest reasonable ways to preserve the Town and not end up in a total build out. Burr Taylor narrated a power point presentation highlighting the main points of the Committee's recommendations for ordinance amendments (summary sheet attached). Carol Tukey stated the Committee has draft proposals for amendments and stated the Committee asked for a workshop with the Board to fine tune the proposals for the January 11 public hearing. The Board set December 22 at 4:35 p.m. as a workshop with the Committee.

11. Shoreland Zoning Ordinance Amendment Re: Timber Harvesting: Carol Tukey explained the Town adopted the State's timber harvesting standards with 3 options and option 3 is not available until a certain number of towns also adopt the standards. Therefore, until the statutory minimum is met, the proposal is to allow applicants to go before the Planning Board for option 3.

12. Consider Comcast Memorandum of Understanding (MOU): Chairman Henderson explained this memorandum is to formalize the agreement between the Town and Comcast regarding the \$60,000 capital payment which was originally to be paid, with 11% interest, in three installments. This is now to be changed to 10 disbursements of \$6,000 each, without any interest. Administrator Eiane noted the MOU was reviewed by Pat Scully, attorney. Selectman Multer moved, seconded by Chairman Henderson to accept the Memorandum of Understanding; motion passed 3-0.

13. Consider Curtis Memorial Library Memorandum of Understanding: Chairman Henderson noted the Board agreed to place this item on the December 30 agenda for public consideration.

14. Holiday Schedule for Recycling Center/Transfer Station: Selectman Multer moved, seconded by Chairman Henderson to close the Recycling Center/Transfer Station at 12:00 noon on December 24 and December 31 with a full day's pay for the employees; motion passed 2-0 (Selectman Wallace abstained).

15. Acceptance of Donations for Harpswell Heating Assistance Program: Selectman Multer moved, seconded by Selectman Wallace to accept, with thanks, a \$600 donation from the All Saints' Chapel and \$100 from Lorna & John Flynn both for the Harpswell Heating Assistance Program; motion passed 3-0.

16. Consider Activating the Education Committee: Chairman Henderson explained the Board created this Committee in August and has been looking for members. Chairman Henderson spoke with one applicant, Susan Rich, and asked her if she would consider serving as the chair, she indicated she would. Chairman Henderson proposed appointing Susan Rich as the chair and Kara Douglas as the representative from the West Harpswell School District. Plus the two Parent & Teacher Organization presidents (or designees), the Committee will have four members and the Town can continue to search for a representative from the Harpswell Islands School district. Selectman Multer stated she would support the proposal if the mission statement was revised to specifically eliminate two issues that have legal processes: withdrawal from MSAD 75 and the WHS closure issue. Selectman Wallace stated he spoke with Rick Daniels, who originally suggested this Committee, and he agreed the withdrawal shouldn't be discussed. Selectman Multer stated she doesn't want any discussion on West Harpswell School, not even community value, as the topic is so controversial and doesn't allow for calm discussions. Chairman Henderson asked Selectman Wallace for his position. Selectman

Wallace agreed with Selectman Multer to not allow the two issues. Chairman Henderson moved, seconded by Selectman Multer to add “the Committee shall not consider the issues of closing the WHS nor the separation of Harpswell from MSAD 75” and he read the rest of the mission that remains; motion passed 3-0. Chairman Henderson moved, seconded by Selectman Wallace to appoint Kara Douglas, as the WHS resident, and Susan Rich, as chair; motion passed 3-0. Staff was asked to follow up with the two PTOs. The appointment terms will stagger from 1 – 3 years.

17. Other Business: There was none.

18. Authorization of the Warrant: Chairman Henderson moved, seconded by Selectman Multer to authorize warrant #81 in the amount of \$646,978.99 (including \$587,320.64 MSAD 75 payment); motion passed 3-0. Chairman Henderson moved, seconded by Selectman Multer to authorize warrant #82 in the amount of \$11,646.15; motion passed 2-0 (Selectman Wallace abstained). Chairman Henderson moved, seconded by Selectman Multer to authorize warrant #83 in an amount not to exceed \$450 to the Harpswell postmaster for mailing the Bulletin next week; motion passed 3-0. Payroll warrant #50 [actually #51] in the amount of \$13,873.88 was noted for the record.

19. Public Comment: Robert McIntyre expressed concern that the Education Advisory Committee cannot discuss withdrawal and since the majority of the withdrawal process is conducted in executive session, the public will not be served. Mr. McIntyre believes that the citizens could be served by public forum, such as learning from members of other municipalities that administer its own schools. Chairman Henderson noted no petition has been filed; Mr. McIntyre agreed but stated that once it is, the timeline occurs and citizens will not be well informed. Selectman Multer stated she believes statute doesn’t allow a negotiating committee to meet in executive session but if the time comes when a more specific directive is needed, it can be put on an agenda for the Board to discuss. Administrator Eiane recalled that the negotiating committee met in executive session with its attorney but in public when it negotiated with MSAD 75. Chairman Henderson agreed that the Board could create a group or take some action if at some point a withdrawal process happens and if it becomes necessary.

20. Adjournment: The meeting adjourned by unanimous vote at 8:37 p.m.

Respectfully Submitted,

Terri-Lynn Sawyer

Attachments: Treasurer’s Report
CPIC Summary

[Attachments are available at the Town Clerk’s Office or by email at harpswell@town.harpswell.me.us]